Order Adopting Amendments

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA FISH AND BOAT COMMISSION

Title 58. Recreation
Part II. Fish and Boat Commission
Chapter 93
Boating

Preamble

The Fish and Boat Commission (Commission) amends Chapter 93 (relating to registration and numbering). The Commission is publishing this final-form rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code).

A. Effective Date

The final-form rulemaking will go into effect on April 1, 2014, or upon publication in the Pennsylvania Bulletin, whichever occurs later.

B. Contact Person

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission’s website at www.fish.state.pa.us.

C. Statutory Authority

The amendments to § 93.2 (relating to permanent and temporary registration) are published under the statutory authority of section 5122 of the code (relating to registration, licenses, permits,
plates and statistics). The amendments to § 93.13 (relating to issuing agents) are published under the statutory authority of section 5304 (relating to issuing agents).

D. **Purpose and Background**

The final-form rulemaking is designed to improve, enhance and update the Commission’s boating regulations. The specific purpose of the amendments is described in more detail under the summary of changes. The Commission solicited the advice of its Boating Advisory Board regarding the amendments prior to final adoption.

E. **Summary of Changes**

Currently, the Commission and authorized issuing agents issue temporary boat registrations to persons applying for the registration of boats in this Commonwealth. Temporary boat registration is used for boats that are new or were not previously registered in the Commonwealth, boats being transferred between owners, and boats currently registered in the Commonwealth as unpowered that are being changed to a power boat registration status. Under current regulations, applicants complete form REV-336, Application for Pennsylvania Boat Registration and/or Title, and are issued a Temporary Validation Decal (T-decal) to affix to the boat.

The annual cost to the Commission to produce, distribute and account for the T-decals is estimated to be $42,000. The Commission proposes to eliminate the use of the T-decal to save approximately $42,000 annually in decal production costs, postage for mailing decals to issuing agents and personnel costs associated with accounting and inventorying of the decals. Elimination of the T-decals will also result in time and cost savings to issuing agents in that they will no longer have to issue T-decals, maintain a supply or pay $52.00 for each lost decal.

Issuing agents will continue to collect all currently required registration information on form REV-336. Form REV-336 is a carbonless, three-copy form used in the registration process. The
green copy, or customer copy, is provided to the applicant upon completion of the registration process by the issuing agent. Boaters will continue to be required to produce the green customer copy of form REV-336 to verify a temporary registration but will no longer be required to display T-decals on the side of the boat that has been registered.

Currently, boaters must remove any previously issued or expired registration decals from the boat. With the elimination of the T-decals, an empty space following the registration number sequence on the hull of the boat will indicate that the boat may have a temporary registration status. Upon request by a Waterways Conservation Officer (WCO), a boater will be required to produce the green customer copy of form REV-336 as proof of the temporary registration. Elimination of the T-decal will not change the current requirement to carry and produce the customer copy of form REV-336. It is also expected that elimination of the T-decal may increase customer contact between boaters and WCOs and provide WCOs with an opportunity to share additional educational information with boaters.

The Commission therefore amends §§ 93.2 and 93.13 to read as set forth in the notice of proposed rulemaking.

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will result in cost savings to the Commission in the amount of approximately $42,000 per year in decal production costs, postage for mailing decals to issuing agents and personnel costs associated with accounting and inventorying of the decals. The
The final-form rulemaking will not impose new costs on the private sector or the general public. The final-form rulemaking will result in cost savings to issuing agents in that they will no longer have to issue T-decals, maintain a supply or pay $52.00 for each lost decal.

H. Public Involvement

A notice of proposed rulemaking was published at 43 Pa. B. 5463 (September 14, 2013). The Commission did not receive any public comments concerning this proposal.

FINDINGS

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201, 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the Commission did not receive any public comments concerning this proposal.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

ORDER

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapter 93, are amended by amending §§ 93.2 and 93.13 to read as set forth in 43 Pa. B. 5463.

(B) The Executive Director will submit this order and 43 Pa. B. 5463 to the Office of Attorney General for approval as to legality and form as required by law.
(C) The Executive Director shall certify this order and 43 Pa. B. 5463 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on April 1, 2014, or upon publication in the Pennsylvania Bulletin, whichever occurs later.

For the Pennsylvania Fish and Boat Commission

John A. Arway
Executive Director